



PUBLIC NOTICE

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**Federal Communications Commission
1919 M St., N.W.
Washington, D.C. 20554**

DA 98-608
Released: March 30, 1998

**COMMON CARRIER BUREAU SEEKS COMMENT ON
THE NEW JERSEY DIVISION OF THE RATEPAYER ADVOCATE
PETITION FOR EXPEDITED DECLARATORY RULING**

**CC Docket 96-45
AAD/USB File No. 98-50**

**Comment Date: April 20, 1998
Reply Comment Date: May 5, 1998**

On May 8, 1997, the Federal Communications Commission (Commission) released a *Report and Order* on Universal Service (*Order*).¹ In the *Order*, the Commission determined that service providers are required to offer schools and libraries services eligible for discounts at prices no higher than the lowest corresponding price the provider charges to similarly situated non-residential customers for similar services.² On December 30, 1997, the Commission released its *Fourth Order on Reconsideration* reaffirming its previous ruling in the *Order* "that special regulatory subsidies need not be considered in determining the lowest corresponding price" and "that each such situation should be examined on a case-by-case basis to determine whether the rate is a special regulatory subsidy or is generally available to the public."³

¹ Federal-State Joint Board on Universal Service, *Report and Order*, CC Docket No. 96-45, FCC 97-157, 12 FCC Rcd 8776 (rel. May 8, 1997) (*Order*).

² *Order*, 12 FCC Rcd at 9031-9032 para. 484.

³ Federal-State Joint Board on Universal Service, Access Charge Reform, Price Cap Review for Local Exchange Carriers, Transport Rate Structure and Pricing, End User Common Line Charge, *Fourth Order on*

On March 18, 1998, the New Jersey Division of the Ratepayer Advocate submitted a Petition for Expedited Declaratory Ruling to the Commission. This petition seeks a declaratory ruling that:

- 1) certain discounted rates for services provided by Bell Atlantic-New Jersey (BA-NJ) to schools and libraries under its Access to New Jersey program are not a "special regulatory subsidy," pursuant to the *Fourth Order on Reconsideration*, and that such rates constitute the lowest corresponding price for purposes of calculating BA-NJ's reimbursement from the federal universal service fund;
- 2) the discounted rates offered by BA-NJ to schools and libraries under its Access to New Jersey program do not preclude the schools and libraries of New Jersey from also obtaining benefits from the federal universal service fund; and
- 3) BA-NJ's plan to seek reimbursement from the federal universal service fund for the difference between discounted rates and tariff rates for services supplied to schools and libraries is contradictory to the Commission's ruling in the *Fourth Order on Reconsideration*.

Parties wishing to file comment on these petitions are directed to file comments on or before April 20, 1998, to file reply comments on or before May 5, 1998, in accordance with the procedures set forth below.

Procedure for Filing

Comments should reference: The New Jersey Division of Ratepayer Advocate Petition for Expedited Declaratory Ruling in CC Docket No. 96-45 and should include the DA number shown on this Public Notice. Interested parties must file an original and five copies of their comments with the Office of Secretary, Federal Communications Commission, Room 222, 1919 M Street, N.W., Washington, D.C. 20554. Parties should send three copies of their comments to Sheryl Todd, Common Carrier Bureau, Federal Communications Commission, 2100 M. St, N.W., 8th Floor, Washington, D.C. 20554. Parties should send one copy of their comments to the Commission's copy contractor, International Transcription Service, 1231 20th Street, N.W., Washington, D.C. 20036.

Pursuant to section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

For further information, please contact: Richard D. Smith or Irene Flannery, Common Carrier Bureau, (202) 418-7400.

Reconsideration, CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72 at para. 141 (rel. Dec. 30, 1997).

-Common Carrier Bureau-